

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT E. RUZIECKI,

Defendant.

No. 2:14-CR-0066-EFS-01

**ORDER REGARDING SCHEDULE FOR
SENTENCING**

On this day, Defendant, accompanied by his attorney, Jeffry
Finer, appeared and pleaded guilty or was found guilty in this matter.
The Government was represented by Timothy Ohms, Assistant United
States Attorney.

IT IS ORDERED that the date of the sentencing is **Thursday,**
December 04, 2014, at **9:00 am** in **SPOKANE.** If a sentence of
incarceration is imposed, the Defendant shall be placed in custody at
the time of sentencing. Sentencing will be scheduled for a total of
forty-five (45) minutes. If it is believed that the sentencing
hearing will last longer, counsel shall contact Chambers within
fourteen (14) days of disclosure of the presentence investigation
report. Pending sentencing, Defendant's detention status or release
status shall remain pursuant to this court's previous order. The

1 United States Probation Office shall prepare a timely presentence
2 investigation report that will comply with the following schedule:

3 1. Not less than **thirty-five (35) days** prior to the sentencing
4 hearing, the probation officer shall disclose the pre-sentence
5 investigation report to the Defendant, counsel for Defendant, and the
6 Government.

7 Within **fourteen (14) days** of the disclosure of the pre-sentence
8 investigation report, counsel shall communicate in writing to the
9 probation office any objections they may have as to factual errors or
10 omissions; sentencing classifications; sentencing guideline ranges;
11 and policy statements contained in or omitted from the report. Such
12 communication may be oral initially but shall immediately be confirmed
13 in writing to the probation officer and opposing counsel.

14 Also within **fourteen (14) days** of disclosure of the presentence
15 investigation report, counsel shall file and serve all motions and
16 memoranda pertaining to Defendant's sentence, including motions for
17 downward or upward departures. Counsel shall utilize the following
18 format when preparing initial memoranda which are limited to twenty
19 pages (absent prior Court permission to file an overlength brief): I.
20 Base Offense Level & Enhancements, II. Departures, III. 18 U.S.C.
21 3553(a). Under the "Base Offense Level & Enhancements" section,
22 counsel shall discuss whether the PSIR's Total Offense Level
23 calculations (not including departures) are correct or incorrect,
24 providing legal authority for the party's position. Under the
25 "Departure" section, counsel shall discuss whether a downward and/or
26 upward departure is warranted under the Guidelines and provide legal

1 authority for such position. Under the "18 U.S.C. 3553(a)" section,
2 counsel shall discuss whether the resulting guideline range provides a
3 reasonable sentence sufficient, but not greater than necessary, to
4 comply with the purposes set forth in 18 U.S.C. 3553(a)(2),
5 considering the other factors listed in 3553(a). The parties are
6 limited to one reply of no more than 7 pages. No other pleadings are
7 allowed without advance permission of the Court. **FAILURE TO FILE AND**
8 **SERVE A MOTION FOR DOWNWARD DEPARTURE WITHIN 14 DAYS OF RECEIPT OF THE**
9 **PRESENTENCE INVESTIGATION REPORT WILL BE DEEMED A WAIVER OF THE RIGHT**
10 **TO DO SO.** The time frame for filing and serving responses to such
11 motions shall be governed by Local Rule 7.1. Any request with regard
12 to self-reporting shall be made to the probation office at the same
13 time any objections/motions are filed.

14 2. After receiving counsel's objections, the probation officer
15 shall conduct any further investigation and make any revisions to the
16 presentence report that may be necessary. The probation officer may
17 require counsel for both parties to meet with the officer to discuss
18 unresolved factual and legal issues, and counsel shall make themselves
19 available for that purpose.

20 3. At least **ten (10) days** prior to the date of the sentencing
21 hearing the probation officer shall submit the presentence report to
22 the sentencing judge. The report shall be accompanied by an addendum
23 setting forth any objections counsel may have made, including those
24 that have not been resolved, together with the officer's comments and
25 recommendations thereon. The probation officer shall certify that the
26 contents of the report other than sentencing recommendations,

1 including any revisions or addenda, have been disclosed to counsel for
2 Defendant and the Government, and that the addendum fairly states any
3 remaining objections.

4 4. Except with regard to any written objection made under
5 subdivision (a), the report of the presentence investigation and
6 computations shall be accepted by the Court as accurate. For good
7 cause shown, however, the court may allow a new objection to be raised
8 at any time before the imposition of sentence. In resolving disputed
9 issues of fact, the court may consider any reliable information
10 presented by the probation officer, Defendant, or the Government.

11 5. Nothing in this rule requires the disclosure of any portions
12 of the presentence report that are not disclosable under Rule 32 of
13 the Federal Rules of Criminal Procedure.

14 6. The presentence report shall be deemed to have been
15 disclosed (1) when a copy of the report is physically delivered; or
16 (2) one day after the availability of the report for inspection is
17 orally communicated; or (3) three days after a copy of the report, or
18 notice of its availability is mailed to counsel, whichever date is
19 earlier.

20 7. Following sentencing, Defendant shall be taken into the
21 custody of the United States Marshal Service unless (1) Defendant has
22 been released prior to sentencing, (2) Defendant specifically requests
23 the opportunity to self-report, and (3) Defendant demonstrates that he
24 is a candidate for self-reporting. If Defendant requests the
25 opportunity to self-report, Defendant must demonstrate the financial
26 ability to travel to a facility on the East Coast.

